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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 CONCEPCION I. VEGA,) No. 07-CV-04029-JF
14 Petitioner,) E-FILING CASE
15 v.) DECLARATION OF CECILIA BURKS
16 SCHELIA A. CLARK, Warden,)
17 Respondent.)
18 _____

1 I, Cecilia Burks, do declare and state the following:

2 1. I am the Correctional Programs Secretary and Administrative Remedy Clerk
3 employed by the Federal Bureau of Prisons ("BOP"), in the Correctional Programs Department. I
4 have held the Correctional Program Secretary position since November of 2001, and
5 Administrative Remedy Clerk position since April 2006. As part of my duties, I am familiar
6 with the records compiled by the BOP and have access thereto. I am trained and have access to
7 various BOP databases, including those dealing with administrative remedies.

8 2. The Administrative Remedy Program is a system by which inmates can complain
9 about almost any aspect of their confinement. Procedural guidelines are spelled out in BOP
10 policy, Program Statement 1330.16, Administrative Remedy Program, which is available at
11 www.bop.gov and in all BOP inmate law libraries. The procedure requires that the inmate first
12 present his complaint to the institution staff (BP-9's). The Warden of that institution then
13 responds to the BP-9. If dissatisfied with the response at that level, the inmate may appeal his
14 complaint to the Regional Director (BP-10's). The Regional Director then responds to the
15 inmate's BP-10. If dissatisfied with the Regional Director's response, the inmate may finally
16 appeal to the General Counsel's Office in the Central Office of the BOP (BP-11's). The National
17 Inmate Appeals Administrator responds to the inmate's BP-11. An inmate has not exhausted his
18 administrative remedies until he has filed his complaint at all three levels and has been denied at
19 all three levels. *See 28 C.F.R. § 542.10 et seq.*

20 3. I have personally reviewed the Administrative Remedy logs ("logs") maintained
21 on the SENTRY Computer system. This is a national database which includes all administrative
22 grievance filings made by inmates incarcerated in BOP facilities.

23 4. My review of the logs shows that during her incarceration with the BOP, former
24 inmate Concepcion Vega, Register No. 62731-097, did not file any requests for administrative
25 remedies at any level. A true and correct copy of the administrative remedy logs for Ms. Vega is
26 attached as Exhibit 1. Consequently, Ms. Vega has not exhausted her available administrative
27
28

remedies on any issue.

I declare under the penalty of perjury, pursuant to Title 28, United States Code, Section 1746, that the foregoing is true and correct to the best of my information, knowledge and belief.

Executed this 11 day of March, 2008, at Dublin, California.

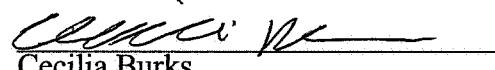

Cecilia Burks
Administrative Remedy Clerk

Exhibit 1

Administrative Remedy Log for inmate Concepcion Vega, Reg. No. 62731-097

FUNCTION: LST SCOPE: REG EQ 62731-097 OUTPUT FORMAT: FULL
-----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----
DT RCV: FROM _____ THRU _____ DT STS: FROM _____ THRU _____
DT STS: FROM _____ TO _____ DAYS BEFORE "OR" FROM _____ TO _____ DAYS AFTER DT RDU
DT TDU: FROM _____ TO _____ DAYS BEFORE "OR" FROM _____ TO _____ DAYS AFTER DT TRT
STS/REAS: _____
SUBJECTS: _____
EXTENDED: _____ REMEDY LEVEL: _____ RECEIPT: _____ "OR" EXTENSION: _____
RCV OFC : EQ _____
TRACK: DEPT: _____
PERSON: _____
TYPE: _____
EVNT FACL: EQ _____
RCV FACL.: EQ _____
RCV UN/LC: EQ _____
RCV QTR.: EQ _____
ORIG FACL: EQ _____
ORG UN/LC: EQ _____
ORIG QTR.: EQ _____

G5152 NO REMEDY DATA EXISTS FOR THIS INMATE